

REMARKS

Favorable reconsideration and allowance of this application are requested.

The allowance of pending claim 14 and the allowability of claims 15-19 are noted with appreciation. As will become evident from the discussion which follows, all claims now pending in this application are believed to be in condition for allowance.

1. Discussion of Amendments

By way of the amendment instructions above, a new title has been proposed that conforms to the claimed subject matter.

All claims have been amended in an effort to clarify the same and to address the Examiner's rejections under 35 USC §112. In this regard, reference numerals have been removed from the claims and phraseology more consistent with US practices has been adopted.

It will be observed specifically that pending claim 1 has been revised so as to clarify and emphasize that the aqueous dispersion of the natural fibers in water is discharged from a head box positioned over the lower web so as to form a layer of the aqueous dispersion thereon. Thus, claim 1 now further clarifies that the upper web is thereby formed upon de-watering by filtering the excess water from the layer of the aqueous dispersion through the lower web. (Please see in this regard Figure 1, numeral 4 and the discussion in the original specification at page 10, lines 7-16, for example.)

Also of particular note is that claim 13 has been recast as an independent claim. The language of claim 13 differs from that of pending allowed claim 14, e.g., in that the former is not restricted as to any particular types of fibers employed in the upper and lower webs.

Therefore, upon entry of this amendment, amended versions of claims 1-19 will remain pending herein for consideration.

2. Response to 35 USC §112 Issues

The amendments to the claims presented above are believed to render moot all issues raised under 35 USC §112, second paragraph. Withdrawal of such rejection is therefore in order.

3. Response to Art-Based Issues

Prior claims 1-3, 6-7, 9, 12 and 13 attracted a rejection under 35 USC §102(b) as allegedly anticipated by Welch (USP 6,022,818). Prior claims 4, 8 and 10 were also rejected under 35 USC §103(a) as obvious over Welch alone while claims 5 and 11 were rejected under the same statutory provision as obvious over Welch in combination with Noelle (US 2002/0160681). Applicant suggests that all pending claims are patentably distinguishable over the applied reference of record.

Specifically, applicant notes that one significant difference between Welch and the presently claimed invention is that essentially in Welch two **pre-formed** webs are brought together and hydroentangled to form a composite. Thus, according to Welch as depicted in FIG. 3 and stated at column 6, lines 12-15:

“The slurry is laid down on the forming surface 16 and a vacuum assist 17 is used to pull water out of the deposited fibers *thereby creating a pulp sheet 18.*” (emphasis added)

It is this pre-formed pulp sheet 18 that subsequently spans the forming surface 16 and the foraminous entangling surface 32 so as to be positioned on top of another pre-formed nonwoven web substrate 20 unwound from supply roll 22. Thereafter, the two preformed sheets 18 and 20 are hydroentangled with one another by means of the

hydraulic manifolds 35 in the hydroentangling machine 34. Vacuum slots 38 are provided in opposition to the hydraulic manifolds 35 which serve to remove water resulting from the hydroentangling of the two preformed sheets 18, 20.

It should therefore now be readily apparent that nowhere in Welch et al is there a disclosure or suggestion that a ***fiber slurry layer*** (i.e., a layer of the herein defined aqueous dispersion of fibers in water) may be laid onto a preformed lower web such that the slurry layer is ***dewatered through the lower web*** resulting in an upper web of the composite being positioned on the lower web. According to the present invention therefore, the upper web of the composite nonwoven is formed *in situ* on the lower web. In stark contrast, Welch et al positions an upper already formed web onto a lower already formed web prior to hydroentangling.

Therefore, Welch et al cannot anticipate or render obvious the presently claimed invention. Withdrawal of the rejections based on Welch et al alone under 35 USC §§102(b) and 103(a) is therefore in order.

The applied Noelle publication is noted as disclosing generally carding a textile layer which is subsequently subjected to a bonding treatment using water jets. However, even if the ordinarily skilled person would combine Noelle with Welch et al, the deficiencies of such combined disclosure as discussed above would still be present. As such, the rejection of claims 5 and 11 under 35 USC §103(a) based on Welch et al and Noelle is also in order.

4. Conclusion

Every effort has been made to advance prosecution of this application to allowance. Therefore, in view of the amendments and remarks above, applicant suggests that all claims are in condition for allowance and Official Notice of the same is solicited.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

An early and favorable reply on the merits is awaited.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100